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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,519	02/17/1999	STEVEN BATHICHE	M61.12-0101	3331
7590	10/06/2003		EXAMINER	
JOSEPH R KELLY WESTMAN CHAMPLIN & KELLY SUITE 1600 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 554023319			KUMAR, SRILAKSHMI K	
		ART UNIT	PAPER NUMBER	
		2675	22	
DATE MAILED: 10/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/251,519	BATHICHE ET AL.
	Examiner	Art Unit
	Srilakshmi K. Kumar	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 11 July 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20,22 and 23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20,22 and 23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. The following office action is in response to the Appeal Brief filed July 11, 2003. The final rejection has been withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20,22 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Ogata et al (US 6,001014) in view of Barnes et al. (US 6,069,594).

As to independent claim 1, Ogata et al disclose a hand held computer input device which prepares a data packet indicative of receiving information of a configuration of a multiple switch (Fig. 5, items 7 and 8) device located on the computer input device and having at least two degrees of motional freedom (col. 7, lines 51-57 and col. 9, lines 24-46). Ogata et al do not disclose physical orientation of the hand held computer input device. Barnes et al disclose an apparatus and method for providing positional and altitude information to a computer. In Fig. 3A, Barnes et al disclose the input device. In Figs. 6A-D, col. 9, lines 16-60, Barnes et al disclose pitch, yaw and roll types of rotation of the input device which is then transmitted to the computer. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of

Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to independent claim 16, see claim 1, above.

As to independent claim 20, limitations of claims 1 and 13, and further comprising a first housing portion (Fig. 5), a first extending handle (Fig. 5, item 4), coupled to and extending away from the first housing portion, a second extending handle (Fig. 5, item 5).

As to independent claim 23, limitations of claim 1, and further comprising, Ogata et al do not disclose receiving mode information. Barnes et al disclose receiving mode information (col. 8, lines 37-53) and controlling the display device such that an object being displayed on the visual display device assumes a visual orientation corresponding to one of, the physical orientation of the computer input device as indicated by the orientation information and the configuration of the multiple switch device as indicated by the switch information, based on selected mode as shown in col. 9, lines 16-60. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claim 2, see claims 1 and 23, above.

As to dependent claim 3, limitations of claim 2, and further comprising, Ogata et al do not disclose placing orientation indicative of the physical orientation of the computer input device in the orientation field when the selected mode is a first selected mode and placing predetermined orientation data in the second selected mode, the predetermined orientation data corresponding to the configuration of the multiple switch device. Barnes et al disclose placing orientation indicative of the physical orientation of the computer input device in the orientation field when the selected mode is a first selected mode (col. 8, lines 37-53) and placing predetermined orientation data in the second selected mode, the predetermined orientation data corresponding to the configuration of the multiple switch device (col. 8, lines 37-53). It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claim 4, limitations of claim 3, and further comprising, Ogata et al do not disclose selecting a predetermined orientation value from a plurality of predetermined orientation values based on the configuration of the multiple switch device. Barnes et al disclose selecting a predetermined orientation value from a plurality of predetermined orientation values based on the configuration of the multiple switch device in col. 9, lines 19-60. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also

disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claim 5, limitations of claim 3, and further comprising, placing predetermined switch configuration data in the multiple switch field when the selected mode is the second selected mode as shown in col. 7, lines 50-60.

As to dependent claim 6, limitations of claim 5, and further comprising, the predetermined switch configuration data corresponds to depression of no switches in the multiple switch device as col. 7, lines 50-60.

As to dependent claims 7, 8 and 9, limitations of claim 2, and further comprising, the step of placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer input device, or is performed on the computer, or performed on the computer by the input device (col. 7, lines 51-57 and col. 9, lines 24-46). And in Fig. 3A, Barnes et al disclose the input device. In Figs. 6A-D, col. 9, lines 16-60, Barnes et al disclose pitch, yaw and roll types of rotation of the input device which is then transmitted to the computer. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claim 10, see claims 1 and 3, above.

As to dependent claim 11, limitations of claim 10, and further comprising, replacing the orientation information in the orientation field with a predetermined orientation value, when the selected mode is a second selected mode. Barnes et al disclose in col. 8, lines 37-62 where there are two different operational modes. In Fig. 3A, Barnes et al disclose the input device. In Figs. 6A-D, col. 9, lines 16-60, Barnes et al disclose pitch, yaw and roll types of rotation of the input device which is then transmitted to the computer. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claim 12, limitations of claim 11, and further comprising, placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer by the input driver by replacing the switch information in the multiple switch field with a predetermined value when the selected mode is the second mode. Barnes et al disclose in col. 8, lines 37-62 where there are two different operational modes. In Fig. 3A, Barnes et al disclose the input device. In Figs. 6A-D, col. 9, lines 16-60, Barnes et al disclose pitch, yaw and roll types of rotation of the input device which is then transmitted to the computer. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to

one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claims 13 and 17, limitations of claims 1 and 16, and further comprising, a rotation field containing rotation information indicative of rotation of a rotatable member. Ogata et al do not disclose a rotation field. Barnes discloses Figs. 6A-D, col. 9, lines 16-60, Barnes et al disclose pitch, yaw and roll types of rotation of the input device which is then transmitted to the computer. It would have been obvious to one of ordinary skill in the art that the hand held computer input device of Barnes et al which can be physically manipulated and have those signals associated with the movements transmitted to the computer be incorporated into that of Ogata et al. Ogata et al also disclose in Fig. 38, col. 21, lines 50-60 a gyroscope. It is known to one skilled in the art that a gyroscope can be used for physical movement, thus it is possible for Ogata et al device to also incorporate physical movement. Hand held computer input devices with different physical manipulations are advantageous as it allows the user to incorporate them during video game playing such as “flying” airplane games.

As to dependent claim 18, see claim 15, above.

As to dependent claim 19, see claims 1, 3, 13 and 16, above.

As to dependent claim 22, see claim 3, above.

As to dependent claim 14, see limitations of claims 1 and 13, above.

As to dependent claim 15, limitations of claim 14, and further comprising, receiving button information indicative of depression of a plurality of buttons on the computer device and placing data in a button field in the data packet based on the button information as shown in col. 7, lines 50-60.

*Response to Arguments*

Applicant's arguments with respect to claims 1-20, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Srilakshmi K. Kumar** whose telephone number is **(703) 306 5575**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703 305 47000377.

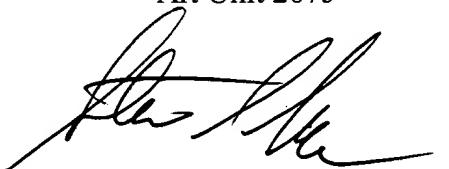
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
September 23, 2003

  
STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600